

2009SP-006-001

The Shoppes at Burkitt Place

Map: 186-00 Parcels: 014.01, 021, 026

Southeast Community Plan

Council District 31 – Parker Toler

Staff Reviewer: Brenda Bernards

A request to change from AR2a to SP-C zoning for properties located at 7022 Nolensville Pike, Nolensville Pike (unnumbered), and Burkitt Road (unnumbered), at the southeast corner of Nolensville Pike and Burkitt Road (17.98 acres), to permit commercial uses, requested by Regency/PGM-Burkitt, LLC, applicant, for James and William McFarlin et al, Ruth Marie McFarlin, and Newco-Burkitt, LLC, owners.

Staff Recommendation: Approve with conditions, subject to approval of the accompanying Community Plan Amendment with the special policy provisions.

APPLICANT REQUEST - Permit a commercial development.

Preliminary SP A request to change from Agricultural/Residential (AR2a) to Specific Plan Commercial (SP-C) zoning for properties located at 7022 Nolensville Pike, Nolensville Pike (unnumbered), and Burkitt Road (unnumbered), at the southeast corner of Nolensville Pike and Burkitt Road (17.98 acres), to permit commercial uses.

Deferral This request was deferred indefinitely at the April 23, 2009, Planning Commission Meeting in order for a second community meeting to be held and for the applicant to address the staff conditions. A community meeting was held on July 12, 2010, and the plan has been redesigned and additional information has been provided by the applicant.

Although the Public Hearing was closed, the plan has changed significantly since the last meeting based on comments from that meeting and from the community meeting held on July 12. New Public Hearing notices were sent out for this meeting and staff recommends that the Planning Commission hold a new Public Hearing since this is, essentially, a new plan being considered.

Existing Zoning

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation land use policy of the general plan.

Proposed Zoning

SP-C District - Specific Plan-Commercial is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a mix of commercial uses.

CRITICAL PLANNING GOALS N/A**SOUTHEAST COMMUNITY PLAN****Existing Policy**

Neighborhood Center (NC) NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Neighborhood General (NG) NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Special Policy Area 6 Special Policy #6 applies to the "NG" policy areas along the Nolensville Pike corridor in the vicinity

of Pettus Road and Burkitt Road, which includes the eastern and southern edges of the subject site. Special Policy #6 states that overall residential densities in those “NG” neighborhoods should not exceed an average of 9 dwelling units per acre. Special Policy 6 would no longer apply to this property if the requested amendment is approved.

Proposed Policy

T3 Suburban Community Center (T3 CC) T3 CC policy is intended to enhance suburban community centers by encouraging their development as intense, mixed use areas compatible with suburban neighborhoods as characterized by service area, development pattern, building form, land use and associated public areas. Where not present, infrastructure and transportation networks are provided to improve pedestrian, bicycle and vehicular connectivity.

T3 Suburban Community Centers are pedestrian-friendly areas that are generally located at prominent intersections. These centers contain commercial, mixed-use, civic and public benefit uses and may include transitional residential uses. They serve communities within a 10-20-minute drive (about 3-5 miles). Buildings are generally 1-3 stories and regularly placed; landscaping is formal; setbacks are shallow with limited to no on-site parking between buildings and streets. First-floor individual tenant floor space is up to 70,000 sq. ft. (ie. larger tenants are in multiple stories rather than spread out over the site.)

Note that the development proposed in the zone change request that accompanies this plan amendment includes a building footprint of almost 135,000 square feet, which is larger than the building footprint generally proposed for T3 Suburban Community Center policy.

Special Policy Provisions Included in this policy amendment accompanying this SP is a special policy provision that supports first-floor individual tenant space up to a maximum of 135,000 square feet within this T3 CC policy area provided the following are required in conjunction with any zone change:

- 1) long walls are articulated with multiple entrances, and development otherwise reflects the intent and design characteristics of T3 CC policy;
- 2) bicycle and pedestrian connectivity are provided;
- 3) parking is placed in a manner that breaks up large expanses of pavement, provides safe pedestrian movement, and deters speeding vehicles;
- 4) smaller buildings are used to frame the large building and the large buildings are oriented in a manner that creates a town center environment that serves as a destination within the center; and
- 5) one or more areas of publicly accessible, usable, and inviting open space are provided within the development

Consistent with Policy? Yes, if the accompanying Community Plan Amendment is approved with the special policy provisions. The request meets the basic locational requirements and has clear potential benefits to the community it will serve.

PLAN DETAILS The proposed commercial development straddles the Davidson County and Williamson County line. A portion of this project is within the Town of Nolensville. Any approvals apply to the Davidson County portion of the project only. A copy of the plan was provided to the Town of Nolensville for their review. Nolensville has approved a complementary development on the adjacent property and has indicated support for the Davidson County portion of the project.

The proposed plan calls for an anchor store and several smaller retail uses, both adjacent to the anchor and fronting along an internal street in the manner of a main street and a single out-parcel. A portion of the main street is within the Town of Nolensville. The initial submission did not clearly distinguish the two portions of the development. Staff had included a condition that this distinction be shown. The applicant has addressed this on the current submission with the Davidson County portion of the plan highlighted.

Building Orientation and Size As the T3 CC policy limits a first-floor individual tenant floor space to 70,000 sq. ft., the proposed policy amendment included a special provision to increase this to 135,000 square feet provided that the conditions of the special policy described above are met.

Elevations have been provided which show the building articulation required by the policy. While there is only one entrance to the large anchor store, the applicant has proposed a plan that creates an active street front with the stand-alone building in front of the large anchor, wide sidewalks, windows, substantial landscaping and other amenities that enhance the pedestrian environment. There are also four buildings fronting an internal street that will function as a Main Street. As required by the special policy the smaller buildings frame the large building and the buildings are oriented in a manner that creates a town

center environment that serves as a destination within the center.

The sidewalk in front of the larger building and adjacent to the larger stand-alone building is sufficiently wide to provide opportunities to create the publicly accessible, usable, and inviting open spaces required by the special policy. Details of these spaces will need to be provided with the final site plan and reviewed and approved by Planning staff. The elevations and plan meet the intent of the policy.

In addition, the T3 CC policy requires the building on the out-parcel to be oriented towards Nolensville Pike. This has been noted on the plan.

Vehicle Access Vehicular access will be from one point on Burkitt Road and two points on Nolensville Pike. A cross-access easement, not shown on the previous plan is now shown that will serve as access for the adjacent property at the corner of Burkitt Road and Nolensville Pike. This corner parcel is not included with the SP but will have access to the SP property. The southern Nolensville Pike entrance also serves as a main street for the project, with buildings lined along the street and some parking in front.

Pedestrian and Bicycle Connectivity In the previous submission, the applicant had indicated that there will be bicycle and pedestrian connections to the adjacent residential development, but these were not shown on the plan. As required by the staff conditions, these details are now included on the plan. These connections are necessary for this SP to be consistent with the provisions of the proposed policy. In addition, the T3 CC policy calls for pedestrian connectivity within the center to allow pedestrians to park and walk from one business to another business. Sidewalks are proposed on the plan along Nolensville Pike and Burkitt Road. Details of the internal pedestrian circulation have been added to and are consistent with the T3 CC policy. Convenient and highly visible locations for bicycle parking have been identified on the plan.

Landscaping Requirements A 15-foot wide B2 landscape buffer is proposed along Burkitt Road and a 40 foot wide D landscape buffer is proposed along the rear of the property. The 40 foot buffer will be similar to the buffer approved on the property within the Town of Nolensville. In addition, a 20 foot buffer is proposed to be installed on the adjacent property owned by the Home Owners Association and is to be installed prior to the start of construction.

Details of the proposed plant species were not provided and will be required with the final site plan. The landscape plan required with the final site plan for the buffers, parking areas, and pedestrian areas will need to be approved by the Urban Forester and include the following:

- protection plan for trees that are to be preserved
- landscaping in parking
- landscape buffer yards
- landscaping along Nolensville frontage
- details of planting materials
- details of any proposed fencing

These requirements have been noted on the preliminary plan.

Parking Parking will be provided in surface lots and will be shared by the various businesses. As required by the special policy parking is designed to break up the large expanses of pavement with landscaping and pedestrian facilities have been provided. The final details of the landscaping and screening of the parking lot will be provided with the final site plan and must be compliant with the T3 CC policy.

Signs In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs will include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs will include building signs and freestanding ground signs.

Building signs are attached directly to, or supported by brackets attached directly to a principal building. A maximum of two signs of no greater than 150 square feet in size each shall be permitted for the major anchor tenant space. One sign for each of the minor anchor tenant spaces of no greater than 100 square feet in size, the tenant adjacent to Burkitt Road may have a sign on both frontages with the sign on the Burkitt Road frontage a maximum of 50 square feet. For all other tenant spaces, signs shall be 5% of the first floor façade area or 50 square feet, whichever is smaller and shall be limited to one sign per

business. For any multi-tenant building a sign program shall be required.

Freestanding ground signs are supported by structures or supports that are anchored in the ground and that are independent of any building or other structure. Up to two monument style ground signs, including one per frontage, shall be permitted for the development. The sign dimensions of the City of Nolensville ground signs shall be applied.

The signs are to be externally lit with steady, stationary, down-directed, and completely shielded light sources or may be internally illuminated or back-lit with a diffused or shielded light source. Sign backgrounds must be opaque, only letters and logos may be internally illuminated. Freestanding ground signs may be lit from a ground lighting source.

The dimension and lighting requirements for the signs have been noted on the preliminary plan.

Morton Cemetery The Morton Cemetery is currently located on this property. The applicant is working with State officials to relocate this cemetery to an off-site existing cemetery. A note has been added to the plan that this be completed prior to final site plan approval.

Infrastructure Deficiency Area The Planning Commission has adopted an "Infrastructure Deficiency Area" (IDA) as part of the Southeast Community Plan. The IDA identifies an area where the Commission has determined that infrastructure is insufficient to accommodate expected new development in the area.

The site for the Shoppes at Burkitt Place SP has been determined to be in the IDA. The applicant will be required to provide 3,075 linear feet of roadway improvements within the IDA.

Town of Nolensville As noted above, this property is adjacent to the Town of Nolensville. Copies of the plan were forwarded to their Town Planner.

Their Town Planner stated that the proposal is compatible with the Town of Nolensville's land use policy plan and zoning ordinances that plan for larger scale commercial development in this area. The adjacent development to the south has been approved by the Town of Nolensville for Phase One of the project.

Their Town Planner recommended that the plan include a clearly defined continuous driving lane connection from the proposed development at Burkitt Road to the development to the south. This driving lane has been enhanced from the previous plan and the town Planner has indicated that his initial comments have been addressed.

Their Town Planner requested that all buildings for the Davidson County portion of the development be designed to meet the Town's stringent architectural design standards in order to be fully compatible with new buildings on the Nolensville side of the development. These standards require a minimum of 75% masonry products on building walls, excluding windows and doors but the applicant has included a requirement of only 50%. Staff agrees that it is important for the two halves of the development to complement each other and has informed the applicant that the standards need to be incorporated into the plan. The design standards of the Town of Nolensville contained in Section B of Appendix E of the Town of Nolensville Zoning Ordinance, Ordinance No. 06-24 as amended, shall apply to this plan.

STORMWATER RECOMMENDATION Preliminary SP approved

WATER SERVICES RECOMMENDATION Preliminary SP approved

FIRE MARSHAL RECOMMENDATION This approval is for the concept plans only. The developer shall provide the Fire Marshal's office with additional details before the development plans can be approved.

PUBLIC WORKS RECOMMENDATION

- All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design may vary based on field conditions.
- Williamson County home improvement site to make a contribution to the signal modification at Burkitt Road / Nolensville Pike.
- Along Burkitt Road, label and dedicate right of way 30 feet from centerline to property boundary. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major

street plan (U4 - 84' ROW).

- Along Nolensville Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
- Locate signage outside of future right of way reservation areas.
- Construct sidewalks with a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways. Identify bike lanes / paved shoulders. Sidewalks are to be located within the public right of way. Dedicate right of way, as applicable.
- Burkitt Road is to be constructed with twelve (12') feet wide travel lanes and four (4') feet shoulders.
- Provide adequate sight distance at all access drives onto Burkitt Road and Nolensville Road.
- Within Davidson County, widen Nolensville Road from the intersection of Burkitt Road to the main access drive (middle drive) to provide a 3 lane cross section with 1 northbound and 1 southbound travel lane and a continuous two-way left turn lane.
- Coordinate with Metro Nashville Public Works, the Tennessee Department of Transportation, and the City of Nolensville to widen Nolensville Road to provide a continuous 3 lane cross section between Burkitt Road in Davidson County and Burkitt Place Drive in Williamson County.
- Extend the existing 3 lane cross section on Burkitt Road from the intersection of Nolensville Road to 100 ft east of Old Burkitt Road and provide transitions per AASHTO/MUTCD standards. The center lane shall be striped as a continuous two-way left turn lane from Old Burkitt Road to the existing dedicated left turn lane at the Nolensville Road intersection.
- Construct a northbound right turn lane on Nolensville Road at the intersection of Burkitt Road, with 125 ft of storage and transitions per AASHTO standards.
- At the intersection of Nolensville Road and Burkitt Road, modify the existing traffic signal to provide right turn overlap phases for the existing westbound and proposed northbound right turn lanes and to accommodate any required road widening.
- Provide a northern access drive onto Nolensville Road between the main access drive and Burkitt Road, and construct as a full access with 1 entering and 2 exiting lanes. No additional access drives will be permitted to Burkitt Road or Nolensville Road from this SP including any associated out parcels.
- Construct a northbound right turn lane on Nolensville Road at the northern access drive with 100 ft of storage and transitions per AASHTO standards.
- Construct the main access drive (middle drive) onto Nolensville Road as a full access with 2 entering and 2 exiting lanes (with 200 ft of storage).
- Construct a northbound right turn lane on Nolensville Road at the main access drive (middle drive) with 125 ft of storage and transitions per AASHTO standards.
- Construct project access drive on Burkitt Road as a full access with 1 entering and 2 exiting lanes.
- Minor modification may be required to the Burkitt Road access drive to correspond with a possible future realignment of Old Burkitt Road.
- A Shared Parking Study has been provided to support the request for the proposed parking reductions.
- Construct a EB right turn lane on Burkitt Rd with 100' of storage and MUTCD tapers at the Burkitt Rd access drive.
- IDA improvements to be determined at the time of development.

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	17.98	0.5 D	8 L	77	6	9

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	17.98	-	197,200 SF	10560	230	1003

Traffic changes between maximum: **AR2a** and proposed **SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+10483	+224	+994

STAFF RECOMMENDATION If the associated Community Plan amendment is approved with the special policy provisions, staff recommends approval with conditions.

CONDITIONS

1. The design standards of the Town of Nolensville contained in Section B of Appendix E of the Town of Nolensville Zoning Ordinance, Ordinance No. 06-24 as amended, shall apply to this plan.
2. Details of the publicly accessible, usable, and inviting open spaces required by the special policy shall be included with the first final site plan. These spaces shall be reviewed and approved by Planning Staff.
3. Prior to the recording of the final plat, the IDA requirements, including 3,075 linear feet of roadway improvements (or an equivalent transportation improvement), shall be completed by the applicant within the identified infrastructure deficiency area in locations determined by the Department of Public Works. When appropriate improvements can not be physically made, then the applicant may make a financial contribution for future roadway improvements within the identified infrastructure deficiency area. The Department of Public Works shall determine the appropriate contribution based on the linear feet of roadway to be improved.
4. The requirements of the Public Works Department shall be met with each final site plan or as specified in the Public Works recommendation for approval.
5. The uses for this SP are limited to those uses described on the plan.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the SCR zoning district as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Bernards presented the staff recommendation of approval with conditions. [See discussion under item #1]

Mr. Clifton moved and Councilmember Gotto seconded the motion to approve staff recommendation. (8-0-1)

Mr. Gee recused himself.

Resolution No. RS2010-108

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-006-001 is APPROVED WITH CONDITIONS. (8-0-1)

Conditions of Approval:

1. The design standards of the Town of Nolensville contained in Section B of Appendix E of the Town of Nolensville Zoning Ordinance, Ordinance No. 06-24 as amended, shall apply to this plan.
2. Details of the publicly accessible, usable, and inviting open spaces required by the special policy shall be included with the first final site plan. These spaces shall be reviewed and approved by Planning Staff.
3. Prior to the recording of the final plat, the IDA requirements, including 3,075 linear feet of roadway improvements (or an equivalent transportation improvement), shall be completed by the applicant within the identified infrastructure deficiency area in locations determined by the Department of Public Works. When appropriate improvements can not be physically made, then the applicant may make a financial contribution for future roadway improvements within the identified infrastructure deficiency area. The Department of Public Works shall determine the appropriate contribution based on the linear feet of roadway to be improved.
4. The requirements of the Public Works Department shall be met with each final site plan or as specified in the Public Works recommendation for approval.
5. The uses for this SP are limited to those uses described on the plan.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the SCR zoning district as of the date of the applicable request or application.
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8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed commercial Specific Plan is consistent with the Southeast Community Plan’s Land Use policies.”